



CC Docket No. 02-6
CC Docket No. 96-45
Billed Entity Number: 144171
Form 471 Application Number: 527450

April 11, 2007

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Dear Ms. Dortch,

This is a Request for Review of the USAC denial of our appeal regarding year 2006 FRN's 1469000 and 1469574 dated February 16, 2007.

Benicia Unified School District is a very small district with no dedicated E-rate staff. Every year, we submit a simple application for telecommunications services only. Typically the 471 form is filled in with much of the same information from year to year. The person who was handling our 2006 form 471 submission was puzzled when the "Contract Award Date" for two of our FRN's was questioned by the PIA. Although she repeatedly informed the PIA contact person that these were multi-year contracts, he provided no guidance as to how these should be handled differently. She remained puzzled as to why the contract award dates that were perfectly acceptable in 2005 were now being questioned in 2006 -- even though we were referencing the same multi-year contracts and clearly the contract award dates had not changed. Through the whole process of "additional questions" and appeal, she **was** never informed as to what the problem really was and continued to think that the contracts themselves were not being accepted or understood as multi-year contracts. Incredibly, even in the USAC letter of decision on our appeal, the words "multi-year contract" never appear!

After much searching, I have now found what appear to be the pertinent instructions from the USAC with respect to multi-year contracts:

"If an applicant files its own Form 470 and chooses either a new or a pre-existing state master contract as the most cost effective bid, the applicant should memorialize its decision to purchase off the state master contract after the bidding process is complete and to record the date of this memorialization as the Contract Award Date on the Form 471."

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So in essence these instructions say NOT to enter the contract award date in the “Contract Award Date” field!! Applicants are required to enter some arbitrary date that meets the requirements of the **28** day rule and that magically “memorializes” the pie-existing contract. Clearly the **form** needs to be revised to make this clear to applicants. ~~In~~ the case of a multi-year contract, the actual contract award date remains the same every year. To enter a different “Contract Award Date” in subsequent E-rate years for the same contract **is** of course very confusing and illogical and it should be entirely understandable that applicants would **not** realize what was actually required.

It does not seem justified or fair to deny **\$42,953** in funding requests based on such a small clerical error. I am therefore asking that the decision of the USAC be overturned and that we be allowed to edit the existing form 471 to reflect a “memorialized” Contract Award Date of **2/14/2006** for both **FRN**’s.

Sincerely,

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